

EXHIBIT B

From: Kripa Raman [KRaman@paulweiss.com]
Sent: Monday, January 31, 2011 12:54 PM
To: Robert.Burns@hklaw.com
Cc: Cox, John; pmillen@wcsr.com; rkoch@milbank.com
Subject: Fw: BASF v Cheminova
Attachments: DRAFT Motion to Amend Scheduling Order.doc

Bob -

Further to my voicemails of Friday and today, please confirm that you have no objection to the attached schedule, which captures the parties' prior agreement to amend the case schedule to postpone expert reports and other fact and expert discovery deadlines so as to conform to the schedule in the MANA case. This prior agreement to amend the case schedule has been the operating assumption under which we have agreed to the current deposition schedule.

Also, let us know where we stand on the Rasmussen deposition. At your request, we had agreed to defer seeking the depositions of other Cheminova witnesses such as Wayne Wang until after we determined whether Mr. Rasmussen's deposition would obviate the need for the additional depositions. Depending on when we can do Mr. Rasmussen deposition, we will likely have to further reconfigure deposition dates and other discovery deadlines in the case.

- Kripa

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----- Forwarded by Kripa Raman/PaulWeiss on 01/31/2011 12:52 PM -----

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Date: 01/28/2011 04:20 PM
Subject: Re: BASF v Cheminova

Bob -

Following up on my voicemail to you, please let me know where we stand with respect to the below proposed amended schedule.

Also, when is Mr. Rasmussen available for his deposition?

- Kripa

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From: Kripa Raman/PaulWeiss
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Date: 01/26/2011 04:40 PM
Subject: Re: BASF v Cheminova

Bob -

Pursuant to our prior discussions regarding deposition and scheduling issues, I attach a draft of a motion for an amended scheduling order which conforms the schedule to match the one in the MANA case. Let me know if this works. If not, please let me know when you are available to discuss - it seems we need to get something on file with the Court to make clear that the parties are not serving expert reports next week per the existing schedule.

- Kripa

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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BASF AGRO B.V., ARNHEM (NL),
WÄDENSWIL BRANCH,
BAYER S.A.S., and MERIAL LIMITED

Plaintiffs,

v.

CHEMINOVA, INC.,

Defendant.

Civil Action No. 10-cv-274

JOINT MOTION TO AMEND SCHEDULING ORDER

Pursuant to Federal Rule of Civil Procedure 16, plaintiffs BASF Agro B.V., Arnhem (NL), Wädenswil Branch (“BASF”), Bayer S.A.S. (“Bayer”) and Merial Limited (“Merial”) (collectively, “Plaintiffs”) and defendant Cheminova, Inc. (together with Plaintiffs, the “Parties”) hereby move this Court for a revised scheduling and case management order.

As grounds for this motion, the Parties state that additional time is necessary to complete discovery in this case. The Parties have included a proposed amended schedule, contemplating a July 5 trial date, as Exhibit A hereto.

WHEREFORE, for the foregoing reasons, the Parties respectfully request that the Court enter the enclosed Amended Scheduling Order.

Respectfully submitted:

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC

DATED: January __, 2011

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EXHIBIT A

BASF et al. v. Cheminova Inc. (M.D.N.C. Civ. 10-274) **Proposed Case Management Schedule**

EVENT	DEADLINE
Fact depositions on patent liability issues begin (parties agree in good faith to work to make documents available related to particular witnesses before July 15 to facilitate depositions of such witnesses beginning on or about July 15) ¹	October 18, 2010
Parties to exchange claim terms and positions	November 1, 2010 for exchange of claim terms November 15, 2010 to exchange positions regarding claim terms
Meet and confer regarding claim terms and positions	November 22, 2010
Substantial completion of fact discovery on patent liability issues	December 20, 2010
Opening briefs on claim terms and positions, simultaneous filings	December 13, 2010
Opposition briefs on claim terms and positions, simultaneous filings	January 12, 2011
Local Rule 83.9 mediation process complete	On or before March 31, 2011
Burden expert reports on patent liability issues, simultaneous exchange	March 25, 2011
Responsive expert reports, simultaneous exchange	April 15, 2011
Close of fact and expert discovery on patent liability issues	May 13, 2011
<i>Markman</i> hearing	On or before claim construction proceedings in <i>BASF Agro B.V., Arnhem (NL), Wädenswil Branch and Bayer S.A.S. v. Makhteshim Agan Of North America, Inc., and Control Solutions,</i>

¹ All fact and expert discovery on issues relating solely to damages, reasonable royalty, or the appropriateness of injunctive relief will be deferred until after a trial in this case on issues of patent infringement, validity and/or enforceability.

	<i>Inc.</i> , C.A. No. 10-276 (M.D.N.C.)
Dispositive motions on patent liability issues	On or before May 20, 2011; responses and replies per Local Rules briefing schedule
Commencement of trial on patent liability issues	July 5, 2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BASF AGRO B.V., ARNHEM (NL),
WÄDENSWIL BRANCH, and
BAYER S.A.S., and MERIAL LIMITED
Plaintiffs,

Civil Action No. 10-cv-274

v.

CHEMINOVA, INC.,
Defendant.

[PROPOSED] ORDER

THIS MATTER came before the Court upon the Parties' joint motion pursuant to Rule 16 to amend the schedule in this matter. Being fully apprised in the premises, the Court finds that good cause supports the motion and it is **HEREBY GRANTED**. Unless otherwise ordered, the case schedule will proceed as follows:

EVENT	DEADLINE
Fact depositions on patent liability issues begin (parties agree in good faith to work to make documents available related to particular witnesses before July 15 to facilitate depositions of such witnesses beginning on or about July 15) ²	October 18, 2010
Parties to exchange claim terms and positions	November 1, 2010 for exchange of claim terms November 15, 2010 to exchange positions regarding claim terms
Meet and confer regarding claim terms and positions	November 22, 2010
Substantial completion of fact discovery on patent liability issues	December 20, 2010

² All fact and expert discovery on issues relating solely to damages, reasonable royalty, or the appropriateness of injunctive relief will be deferred until after a trial in this case on issues of patent infringement, validity and/or enforceability.

Opening briefs on claim terms and positions, simultaneous filings	December 13, 2010
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Dispositive motions on patent liability issues	On or before May 20, 2011; responses and replies per Local Rules briefing schedule
Commencement of trial on patent liability issues	July 5, 2011

SO ORDERED this the ____ day of _____, 2011.